

IN THE UNITED STATE DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA

2007 APR 10 P 12:39

ALONZO AUSTIN, Executor, for
RUTH H. LEWIS, Estate
Plaintiff(s)

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

VS.

CIVIL ACTION NO.

MODERN WOODMEN OF AMERICA
et.al,

3:07-CV-138-MHT-WC

Defendant(s)

Motion for Summary Judgement by Plaintiff(s) in
response to, Motion to DISMISS by Defendant(s)

Plaintiff(s) pursuant to RULE 56 OF the Federal Rules
of Civil procedures, Moves the Court to enter
Summary Judgement for the Plaintiff(s) on the
grounds that there is no genuine issue as to
any material fact, and the Plaintiff(s) is entitled
to judgement as a matter of Law.

In support of this motion, Plaintiff(s) refers
to the record in this action, including the
Complaint, the answer to it and Plaintiff(s) Attached
Affidavit and Exhibits "A" and "B"

Alonzo Austin, Pro Se
by Alonzo Austin, Pro Se
ALONZO AUSTIN

Address: 1321 Oliver-Carlis Rd., Tuskegee, AL 36083, Ph# (334) 727-5477

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THE MIDDLE DISTRICT OF ALABAMA

ALONZO AUSTIN, Executor, for }
RUTH H. LEWIS, Estate }
Plaintiff(S) }

VS.

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Defendant(S) }

DEPTA P. 100-1000
U.S. DISTRICT COURT
MIDDLE DISTRICT
ALABAMA

2007 APR

12:39

RECEIVED

Affidavit in Support of Motion For Summary Judgment

STATE OF ALABAMA } ss.
COUNTY OF MACON }

ALONZO AUSTIN, who, being first duly sworn,
deposes and says:

I am ALONZO AUSTIN, and have personal knowledge
of the facts set forth.

This affidavit is submitted in support of the
Plaintiff(S) Motion For Summary Judgment, for
the purpose of showing that there is in this
action no genuine issue as to any material fact
and that the Plaintiff(S) is entitled to
Judgment as a matter of Law.

AS issue is Constitutional in Nature.

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2. That on February 2, 1993 Plaintiff(S), Principal, RUTH H. LEWIS, and Agent ALONZO Austin, entered into the arena of (Law of Agency) ~~with~~ With a Durable General Power of Attorney;

3. on March 3, 1993, Plaintiff(S) attempted to Certify Same in the Probate Judges' Office, with Probate Judge ALFONZA MENEFE, who refused to certify said Document, in question, claiming instead that M.S. LEWIS needed to be protected from people like me, and that she was not clear and he would begin proceeding in a few weeks, to take care of her, and that I may as well take up that piece of paper referring to the Durable General Power of Attorney; prepared by the Honorable ALBERT C. BULLS III.

4. That on March 18, 1993, Probate Court records reflect that true to his threat Probate Court Judge ALFONZA MENEFE, of Macon County, ALABAMA commenced proceedings with ATTORNEY: Deborah Hill BIGGER, Juanita K. Upshaw with Agent for AETNA, George H. Clay causing a fraudulent Bond to issue against the (Law of Agency) Bond # 58572798 with Western Surety Company, Joe Kirby, president. On 4th Day of June 1993

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5. George H. Clay, was Plaintiff(s), insurance Agent, providing Coverage on Plaintiff(s), Vehicles, including A 1992 buick Skylark GS, Policy # 2015029739871 PED.
6. On April 22 1993, Juanita K. Upshaw, was added to my Policy as your record indicated.
7. MS. Upshaw was a Listed Driver, and she lived 2 door Up From Ms. Lewis, The Principal, her aunt, And Agent, lived across town approximately 8 to 10 miles.
8. THE Plaintiff(s), Later discovered that Ms. Juanita K. Upshaw, had Filed A petition For Guardianship and Conservatorship over ~~the~~ Principal Lewis, in an attempt to declare Principal Lewis, a ward of the State of Alabama.
9. THE Discovery was made when the Macon County Sheriff, served Principal, Lewis, with a Summon with Juanita K. Upshaw, as Petitioner, and ATTORNEY Deborah Hill Biggers, as Legal Counsel.
10. THE Fraudulent Bond executed by George H. Clay supported Juanita K. Upshaw, and enabled her, to violate the Laws of ALABAMA, with MR CLAY'S blessing!!
11. On June 6, 1993 Propriate Judge Menefee voided Principal's, Durable Power of Attorney Prepared by

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The Honorable ALBERT C. BULLS III
thus ordering Plaintiff(s) to Convey Title
of 92 Buick Skylark GS. back to RUTH H. LEWIS
along with all Documents, Keys, Property of all kinds
and to refrain from any contact with Principal
12. This Fraudulent Bond, executed by Aetna's
Agent GEORGE H. CLAY, was used by Mr. Clay,
ALFONZA MENEREE, Dr. Robert Story, Deborah
Will Biggers, Robert Davis, of ALABAMA
Exchange Bank, FRED GRAY SR, Juanita
K. Upshaw, Allen Nathanson, Sheriff of
Macon County, Tuskegee City Police,
South trust Bank Official, The Utilities
Board of Tuskegee, People's Funeral Home, MASON
Mayor of Montgomery, Montgomery City Police,
AETNA Insurance Co., ALABAMA STATE
BOARD OF LICENSURE, MODERN WOOD MEN OF AMERICA,
RAY IVEY STATE TREASURER'S OFFICE
Judge: Howard F. BRYAN & Regions Bank to
convert Property of Plaintiff(s) (under color of State Law)
in Violation of 42 U.S.C. § 1983 including 92 Buick
Skylark GS. See attached Fraudulent Title Exhibit "A"
all so see exhibit "B" where Defendant(s) allowed
Juanita K. Upshaw, to Drive my vehicle without
Proper Legal Title and Insurance From 9/93
til 5/96 Outrageous, GEORGE H. CLAY'S

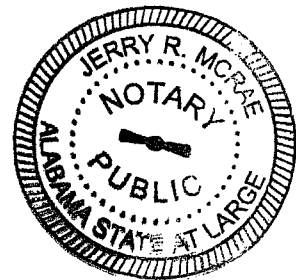
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Fraudulent Bond executed For JUANITA K. UPSHAW
is the Main Artery that Gave life to
this so called Guardianship Conservatorship
That deprived the Legal and VALID
(LAW OF AGENCY) That existed From 2/2/93 til
11/26/94. FALL OF its Federally protected Guaranteed
Constitutional CIVILS RIGHTS. Under 42 U.S.C. § 1983

Alonzo Austin, pro se
by Alonzo Austin, pro se

Jerry R. McRae, Notary

Com. Expires 2-28-09



000049



STATE OF
ALABAMA
DEPARTMENT OF REVENUE

CERTIFICATE OF TITLE FOR A VEHICLE

TITLE NO. 16422187 VEHICLE IDENTIFICATION NUMBER 1G4NM14N0NC620001 TRANS. CODE 03 DATE ISSUED 05/24/94
YR. MODEL 92 MAKE BUICK MODEL SKYLARK BODY TYPE 2D PREV. AL TITLE NO. 15170193
CYL. 04 NEW USED DEMO PURCHASE DATE 02/02/92 NO. LIENS 0 GRN ODOMETER 0007000
NAME(S) AND MAILING ADDRESS OF OWNER(S) UP SHAW JUANITA GDN OF RUTH LEWIS IN P. O. BOX 275 TUSKEGEE AL 36087
RESIDENT ADDRESS IF DIFFERENT 1305 MLK W TUSKEGEE AL 36083
LEGEND(S)

RELEASE OF LIEN
The holder of Lien on the vehicle described in this Certificate does hereby state that the lien described in said Certificate of Title is released and discharged.

1ST LIENHOLDER'S NAME ADDRESS AND LIEN DATE

First Lienholder
By _____
Signature of Authorized Agent

2ND LIENHOLDER'S NAME ADDRESS AND LIEN DATE

Second Lienholder
By _____
Signature of Authorized Agent

This certificate serves as an official document of the Department of Revenue and prima facie evidence that an application for certificate of title has been made for the vehicle described herein, pursuant to the provisions of the Motor Vehicle laws of this state, and the applicant named on the face hereof has been duly recorded as the lawful owner of the vehicle so described. Further, the said vehicle is subject to the security interest by lien(s) shown hereon, if any. But, said described vehicle may be subject to a mechanic's lien or a lien given by statute to the United States, this State or any political subdivision of this State or other encumbrances not required to be filed with this Department.

COMMISSIONER OF REVENUE

CONTROL NUMBER

15690275

KEEP IN A SAFE PLACE - ANY ALTERATION OR ERASURE VOIDS THIS TITLE

AMERICAN BANK NOTE COMPANY

- J. PM

WIE D. MALI
CIRCUIT CLERK

City Agency is looking into the matter of Juanita K. Upshaw Brown stolen vehicle of Henry Carter, Jr.

CV-94-36

TO:

Mr. Alonzo Austin

Rt. 3, Box 365

Tuskegee, Al. 36683

EXHIBIT

B

CLAY & ASSOCIATES, INC

General Insurance Agency

120 SOUTH MAIN ST. - P. O. BOX 299

TUSKEGEE, AL 36083

Phone: 727-6210

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SUBJECT:

Pol. # 2015029739871

DATE:

5/31/94

Mr. Austin,

Enclosed is a copy of the letter that we received from Acton concerning non-renewal of your policy.

Even though, Mrs. Upshaw is not listed as a driver the policy will not be renewed because Mrs. Upshaw still have possession of the vehicle.

Keris

CERTIFICATE OF SERVICE

I do hereby certify that I have this day
Served A copy of the foregoing Document
Upon.

Slate Kennedy LLC
P.O. Box 388
Montgomery, AL 36101

~~AETNA~~

by depositing same in the U.S. mail,
postage prepaid on this 9th day of April 2007

~~Alonzo Austin, Pro Se~~
~~by, Alonzo Austin, Pro Se~~
ALONZO AUSTIN
1321 Oliver-Carlisle Rd.
Tuskegee, AL 36083
Ph # (334) 722-5476